



COMMISSION MEETING MINUTES
Friday, February 24, 2006

I. Call to Order

Chair Steinberg called the meeting to order at 9:00 a.m.

II. Roll Call

Present were Commissioners Wesley Chesbro, Carmen Diaz, F. Jerome Doyle, Saul Feldman, Linford Gayle, Patrick Henning, Gary Jaeger, William Kolender, Kelvin Lee, Andrew Poat, Darlene Prettyman, Darrell Steinberg.

Absent at roll call were: Commissioners Mary Hayashi, Karen Henry and Mark Ridley-Thomas

Tricia Wynne represented Commissioner Lockyer

III. Commission Business

Chair Steinberg asked for a motion to ratify Jennifer Clancy as the Executive Director of the Mental Health Services Oversight and Accountability Commission.

The motion carried unanimously and with acclimation of the appointment of Ms. Clancy.

Ms. Clancy provided a brief description of her background and said she looked forward to future work with the Commission.

IV. Public Comment

Meghan Stanton, a consumer and consumer provider in Sacramento County, said recently attended a CIT conference and came away from that conference realizing police officers can be allies. The officers she spoke with considered PERT as the precursor to CIT and noted that it is the end road to a much larger transformation of law enforcement and their attitudes and perceptions about mental health clients. She said the traditional mobile crisis that are in different counties being conducted primarily by mental health has very little effect of transforming law enforcement's attitudes towards mental health consumers. Ms. Stanton said also made it that no one in Sacramento County embraces the idea of paying for law enforcement salaries as a part of the PERT proposal. She feels this is a valuable program, but shared commitment would be more valuable because when you have a personal investment in something then you are more committed.

Eleanor Prouty, with the Service Employees International Union representing mental health workers in California, said the union has been happy to see the collaboration of law enforcement and mental health, however the roles should be separate. Mental health is being faced with budget cuts in many counties, so to have Mental Health Services Act funding go to law enforcement would be very difficult for mental health workers to see because funds are crucial and they need to go to the most effective service as possible. There needs to be caution about defining mental health services. Community collaboration is important and each part of the

community should make its contribution. Mental health workers would be happy to work with law enforcement but with the idea that this is part of their work and would hope that they would fund that.

Michele Curran, Director of the Office of Self Help, thanked the Commission and said she applauds Ms. Clancy as the new Executive Director and additionally thanked Mr. Van Horn for all the work he has done. She said there is a relationship and a trust with people who have life experience, and as you talk about different models, there is a notable lack of peer involvement, not only in the planning but in the actual field work. Upon first contact by law enforcement, perhaps is just a matter of not knowing who to call and it doesn't automatically make the person involved a prisoner. She asked to understand the power of language. In the client culture peers have the most power as far as relationships and trust and as the Commission plans programs we need full involvement, full relationships, full field experience and full funding. The Office of Self Help would be pleased to act as consultants and specialists if needed.

Kathryn Trevino, Treasurer on the Board of Sacramento Consumer Self Help Centers, and Chair of the Napa State Hospital Advisory Board, and she also was a stakeholder on Sacramento County Mental Health Services Act Recovery Center. Commissioner Poat stated that Sacramento stakeholders wanted the PERT plan. This is not true. All the mental health representatives on the steering committee voted no on the inclusion of the PERT plan. Following the steering committee meeting the Division of Mental Health met in a secret meeting behind closed doors for a recount and PERT won. They have denied requests for a transparent re-vote. Sacramento County Division of Mental Health and law enforcement destroyed the spirit of the Mental Health Services Act process and she believes the proposal must be omitted from Sacramento's plan because it does not represent the wishes of the stakeholders. Secondly, funds were taken from the plans to fund PERT and she believes they must be returned back to the plans.

Susan Gallagher, Executive Director of MAJ in Sacramento, stated that during the MHSA planning process she was the Chair of the TAY stakeholder group and a member of the wellness and recover stakeholder group. On behalf of the Mental Health Association, she would like to reject a portion of the Sacramento County Mental Health Services Act implementation plan to utilize funds for law enforcement for PERT. Consumers and family members were excluded from important meetings concerning this plan. Law enforcement did subvert the public process and did conduct private meetings where compromises were forged outside of the public view. Under the current PERT plan, officers will be in uniform, carrying guns, conducting warrant checks, and doing their police functions and does not sound like mental health services. There is a 51 day wait for an initial appointment with the regional support team and Ms. Gallagher doesn't see anywhere people could be taken from a PERT team other than to the jails and hospitals. Money should go into the community for clients and family members to get the services that they need. She asked the Commission to recommend that these funds be redirected towards necessary services in Sacramento.

Dave Hesseimi, consumer from Sacramento, expressed his view that the Sacramento Mental Health portion plan of the PERT team should not be approved by the Commission. He said when he voted for Proposition 63 he didn't vote to fund the Police Department. Sacramento does not have the resources to support a PERT team under the current proposal. He encouraged the Commission to go see the Sacramento County Jail because it is a chilling thing to see and abuse is the norm there. He doesn't feel that we would want to partner with any agency that runs a facility such as this. If the plan is approved the Commission will have agencies lined up to get their share of this money, and this money was meant for a specific purpose and he is looking to the Commission to protect this.

Lonnie Russell said she is a person with lived experience and a family member and she is a child and family advocate. The author of the Mental Health Services Act knew that a bold new direction was needed. True transformation is what the Act facilitates and that the voice of mental health consumers and community would be paramount and that the leaders in public office would set the standards and no longer is it business as usual. A PERT team is needed, however not the one that is being proposed in Sacramento County. She feels we need to slow down and to make sure the allocation of these funds are scrutinized and process is honored to ensure transparency, fairness, and optimal impact for the direct delivery of mental health services.

At this point it was communicated that because of the amount of public members waiting to make comments, public members arriving late will only be able to provide written comments.

Susanna Gee, Associate Managing Attorney at the Statewide Disability Rights Agency Protection and Advocacy, said her agency opposes the use of MHSA monies to pay for law enforcement activities. The proposal for law enforcement activities is not a mental health service and she referred the Commission to the Department of Mental Health's Frequently Asked Questions. She asked the Commission to make available necessary monies for proposals that are consistent with the Act and to help transform the mental health service system with innovative community-based services.

Hank Lee, from Sacramento County Health Board (and also a family member) passed out a response from the Board to the Director of the Mental Health Division and Board of Supervisors in Sacramento County. He said the PERT concept is good, but it is a financial issue and law enforcement should pay for their portion.

Walter Shwe, a consumer advocate from Yolo County, commented that even in ten years with the Mental Health Services Act there will still remain a significant need to deal with crisis situations in the community. The issue of law enforcement involvement in mental health will be with us in the foreseeable opinion.

Macchell Reeves, from Contra Costa County, said she is a Lead Instructor for the Spirit program and a graduate of the program. This achievement shows what consumers can do. The program trains consumers to become providers and gives consumers an opportunity to learn to de-escalate and provide services. She feels the money should go to the safe havens and to consumers who work in those safe havens.

Dave Schroeder, the Family and Youth Advocate for the Mental Health Association of Sacramento, said he stands for those families and the youth who can't be here to talk to you. He said he heard the police say they have a budget problem, but he said they have more money than the Mental Health Association ever thought of having, and Sacramento County takes 10 percent of the trust fund. In equal partnerships everyone should bring something to the table and if law enforcement isn't willing to bring the cost of their employees to the table then that's not an equal partnership. Mental health services money needs to be maintained for mental health services.

Lois Diamond said she is representing the deaf community and that she is also a member of the Board of Supervisors DAC (Disability Advisory Committee). She has tried for several years to establish mental health services to help the deaf and her concern is that if money is diverted to the PERT program what will be left to help deaf people. She is looking for mental health counseling for deaf people because they need help.

Sharon Roth said she is here to clarify some points that were made yesterday. She wanted to correct a statement made at yesterday's meeting that said Dr. Greg Sincere (sp) would prefer to have a PERT team on the streets, but what he really says is that he would like a mobile mental health team to augment the CIT program that they have now. She wanted to be sure that the Commission understands that CIT does cover children and adolescents in their training. She does not advocate salary for police officers, but would like to see more liaisons to the courts, the probation and the police to either help provide the mental health services or to provide links.

Douglass Murphy said he is a consumer and recovering alcoholic, recovering sex addict, recovering compulsive gambler. He said he cannot recommend to anyone in good conscious no matter what their situation, that they access the inpatient system in California. He asked the Commissioners to keep their eye on the ball, provide services that are consumer driven, which means consumers are in charge, and are applicable to the real needs that are out there.

Barbara Stanton said she is a family member of a loved one with a mental illness. However law enforcement is to play a role in the transformation in the mental health system, they need to be of a different mind-set and have extensive mental health training. If they are to become part of a PERT team they need to volunteer for the assignment and they need to have psych or human services background. Law enforcement does have a role in the transformation, but as partners with mental health providers and the community.

Steve Leoni, consumer and advocate said he understands that historically there have been mobile crisis teams operating in Sacramento County that did not have police involvement and it seems to work well. He said clearly there are times when police involvement may be necessary but they need to be well trained. He said we need re-examine the involvement of law enforcement in the context of broader possibilities.

Patty Gainer said she served as a stakeholder in the State's process for deciding the criteria for county implementation of the MHSA. The Network's position paper promotes concepts key to recovery for individuals who have mental illness. She said she served on the Adult Task Force in Sacramento County and the PERT proposal changed several times afterwards and it would not have been considered by the Task Force because it didn't meet the criteria. At the County Mental Health Board meeting every person who stated a position about PERT, other than the law enforcement and county administrators, agreed that PERT should not be in the Plan.

Michael Wilkins, a member of Sacramento Network of Mental Health Clients, said he would like everyone to always try to treat each other with more sensitivity and understanding. Many of his brothers and sisters in the community have been mistreated by the law enforcement and many others. He feels we should invest in consumers to help them.

Donna Wallis thanked the Commission for listening to all the public comments this morning. She is from NAMI California and NAMI Orange County. NAMI California has stellar signature programs that offer law enforcement, providers, clinic personnel, and educational specialists the opportunity to gain knowledge and have a better understanding of the mentally health. She worked diligently for Prop 63 to pass and she believed at that point that all that came to the table wished to collaborate with one another and that they would do it with their own funds.

Karen Owen said she is a person with lived experience and she serves on the Sacramento affiliate of NAMI's Board of Directors and she is active in Recovery Incorporated which is a self-help mental health program. She is disappointed that PERT got the money to be accepted with the deletion of older adult programs that are needed. She said one of the things that she does is takes

Recovery Incorporated to the Sacramento County Jail Psych Services Department serving both men and women in groups to help them better cope with stresses and to help reinterpret their insecure experiences to more secure experiences. They also have programs for them to attend in the community once they are out in the community. Police receive training on mental illness as part of their basic training and she thinks monies should be included to train all the police better on mental health.

Carole Ford mentioned cultural competence and uniformed police shouldn't be spoken in the same sentence. She said the term "the mentally ill" which has been used by speakers, clearly categorizes us in a culture. The California Network would be happy to provide training to California counties. She said she was diagnosed many years ago in several different categories, and a family member called the police on her. When she found out they were coming she hid, but they came looking for her with their straps off their guns, and called to her but did not come in because they looked like they were afraid of her, and of course, she was experiencing the same thing. They said they only wanted to talk to me, but with their hands on their guns I wasn't quite sure that that conversation wouldn't end with a bang. They took her to the mental health person who put her in the hospital where she experienced more trauma. She personally says, "do not fund police".

Laurel Mildred, Associate Director from the California Mental Health Directors, passed out a fact sheet that the Commission might be able to use as a resource. She also mentioned that there was a question that came up in yesterday's meeting regarding who pays for the law enforcement's salaries while training happens. Los Angeles County Division of Mental Health has developed an on-line component to their CIT training, which allows for the officers to take the training when it is convenient in their schedule. Dr. Suthord (sp) has offered to share this to anyone who is interested. Chair Steinberg asked if she could report back as to how the various collaboratives are funded and to provide more detail regarding the on-line training.

Ann Sasaki-Madigan said there is a report that clarifies the Planning Council's position on the law enforcement issue and she will provide this report to Jennifer. In addition, she provided Jennifer with a copy of the letter that was sent to the Attorney General and it supports the position that the Department of Mental Health took in its legal opinion, in that the Mental Health Services Act dollars need to be spent on mental health services. The Act supports interagency collaboration and the development of interagency teams, and the Planning Council values agency participation and the contribution of any state and county partners. The Planning Council believes that law enforcement salaries should not be funded.

Commissioner Chesbro said he had asked the Attorney General for an opinion with regards to the legality of the spending. He said the Attorney General provided the following response: (1) The Mental Health Services Act does not authorize funding of law enforcement services, including costs for officers' salaries and equipment pursuant to a locally developed and approved county mental health plan. (2) Law enforcement services are not deemed mental health services under the provisions of the Mental Health Services Act. (3) Neither the State Department of Mental Health nor the Director of Mental Health may approve or allow funding for local law enforcement costs that are proposed by a county mental health plan. He said this is not the kind of analysis that the Monterey question on Mental Health Courts received, but by reference these are the answers the Attorney General provided to him.

Chair Steinberg said the Attorney General issued a very detailed opinion on the issue of Mental Health Courts. Commissioner Chesbro's letter to the Attorney General was dated February 22 and the response was received a day later which basically put a letter on top of the Monterey

County's and said the same logic applies. This is not a legal opinion. It's a two page letter that is stamped on a very substantive and detailed opinion for Monterey County. He believes the Commission deserves a thorough opinion to guide them in determining what it is they recommend. So he will get a more detailed opinion and will come back to the public and full Commission with that detailed opinion.

Commissioner Ridley-Thomas said a process or some sort of protocol needs to be developed with respect to AG opinions for the Commission.

Commissioner Kolender said in his presentation yesterday there was nothing that said law enforcement wanted money. Law enforcement wants a collaboration to keep the people out of our jails.

Commissioner Chesbro said his reasoning for distributing the Attorney General's letter to the Commission was because he felt it would be disingenuous of him not to apprise the Commission of the letter.

Chair Steinberg thanked the public for their testimony. He asked Jennifer Clancy to lead the Commission through to try and develop principles around the dialogue and discussion to see if the Commission can come to a point where it can take some action that will give guidance to the Department and the CSS Committee.

Ms. Clancy said the presentations yesterday helped to shape the Executive Committee of the Commission. Some of the perspectives about the principles that the Commission will need to be able to talk about explain and provide them to the Department so that the Department will be in a position to have some principles to help guide them as they make the final decision.

Ms. Clancy reminded everyone that MHSA declares that with effective treatment and support, recovery from mental illness is feasible for most people, and that successful programs will emphasize client centered, family driven community based services that are culturally and linguistically competent.

The OAC's role is to ensure that it is providing oversight and that the intent and purposes of the legislation are demonstrated when the actual implementation and roll out of the Mental Health Services Act is begun. It is hoped that the guiding principles will help the general public to feel that there is a framework that is provided when questions come up around these plans. These principles have been an ongoing process and they are not a final draft, but a proposed draft.

Principle 1: Program outcomes must lead to diversion from institutionalization and increase access to mental health services and supports offered in the community.

Chair Steinberg said to him this is the principle and the outcome that the Commission is seeking.

Principle 2: Mental health and law enforcement collaborative programs must be designed within the context of broader county mental health service plans to ensure that they are not relied on as the first point of access.

Principle 3: Only mental health law enforcement collaborative programs that develop as a result of an authentic, equitable and shared planning process among mental health stakeholders should be considered for funding.

Principle 4: One hundred percent of the Mental Health Services Act funding for mental health services within mental health and law enforcement collaborative programs.

Principle 5: Services and salaried positions funded within mental health and law enforcement collaborative programs must be clearly identifiable by the public and by mental health stakeholders as mental health services and positions.

Principle 6: Mental health law enforcement collaborative programs must demonstrate cost effectiveness within the context of county mental health service spending.

Principle 7: Funding and mental health/law enforcement collaborative programs cannot supplant existing state or county funding of services offered through the collaborative.

Principle 8: Mental Health Services Act funding cannot replace that which is already statutorily mandated.

Chair Steinberg said if law enforcement has duties which the law in the State of California already requires them to provide even if they are not providing it, that it is not appropriate to use MHA state funding for something that law enforcement is already required to do.

Principle 9: The intensive training for law enforcement that is offered by consumers, family members and professionals is viewed as an appropriate use of Mental Health Service Act fines.

Principle 10: When funding a mental health law enforcement collaborative program, the funding should be based on traditional and customary funding models that have been used by counties and cities.

Commissioner Henning said that Principle 10 seems like it is saying it would continue to fund programs in a traditional manner, which is what the Commission is trying to move away from and it doesn't spur innovation.

Chair Steinberg said what Principle 10 was in response to Chief Najera's presentation stating that cities across the board don't view social services as part of their law enforcement responsibility, and therefore, if MSHA is not used to fund PERT there won't be a PERT team in Sacramento. So the question that this raised is are there cities throughout California which are spending general fund money on the law enforcement part of PERT. If the answer to this question is yes, then Principle 10 is intended to say that maybe this should guide us because if cities have figured out another way to get this done, then MHSA shouldn't be the first source of funding. If something is funded by state law it should not be funded by MHSA.

Ms. Clancy said the principle has to be viewed as a broader context as to what occurred within the planning, and was it a collaborative decision of all the stakeholders involved.

Commissioner Prettyman said when we say funding and mental health/law enforcement collaborative programs, are we only talking about principles for the funding of the mental health component of law enforcement and not funding of the law enforcement dollars, salaries, etc. itself, or is this leaving this open. Chair Steinberg said it technically leaves it open but the principles will lead to a particular conclusion. Commissioner Prettyman said she is

uncomfortable trying to develop principles when she is not sure what the objective is and whether or not that within these standards it could be used for one purposes versus another.

Commissioner Jaeger said law enforcement are and will be called to interact in situations and with people with mental illness and they are going to be responsible initially for making the judgment and handling the issues of public safety. If the decision is that there is no need for incarceration, then there is a need for that group to be able to pass on to another set of professionals. In the middle, when they are in the decision process, there will be confusion, but on the front end it should be the responsibility of law enforcement to provide the training and the manpower for officers to deal with the situations they need to deal with to serve public safety. We have a clear responsibility to provide the resources that are necessary to serve those people who are currently interacting with the police officer. He believes that Mental Health Services dollars should be spent for training of mental health professionals and not for training of police officers.

Commissioner Kolender said law enforcement will agree, and its primary goal is to divert the mentally ill from jails whenever possible in order to get proper treatment and resources.

Commissioner Feldman said principle number one leaves out the word incarceration and he suggested including the word incarceration. He asked if mental health services money could be spent to enhance the collaboration between two very important entities.

Chair Steinberg said the question of whether the Commission comes up with a policy that says under no circumstances should MHSA dollars be used to pay a law enforcement salary may be answered by the law. He recommended that before the Commission consider such a policy that it get input from Stephen Mayberg in order that the Commission be aware of the ramifications.

Dr. Mayberg said there is an array of plans coming into the Department. The overarching principle is the only money that can be spent from the Health Services Act can be for mental health services period. There are some proposals where probation officers are considered as part of a mental health team and in many counties probation officers are considered law enforcement. It is hard to give a specific delineation to say absolutely not because if they are doing mental health services and is that their only function.

Commissioner Diaz said she was told that it is okay to fund mental health services in the juvenile halls and camps, but that you can't fund jails. Dr. Mayberg said clearly it has been identified that one of the most underserved populations is kids in juvenile halls and we also know that getting people out of jails and linked to programs is important. What are some of the overarching principles that make sense with the Mental Health Services Act.

Commissioner Chesbro said the Commission needs to draw a clear line around the fact that it is mental health services that is being funded, and it seems that it's not as critical a question about who provides the service, but in terms of the Act the most important dividing line that underlines all the principles is that we are funding mental health services and not law enforcement services. The other question is whether the ten guidelines provide a framework for interpreting whether or not a particular expenditure that relates to law enforcement is funding for mental health services.

Commissioner Lee said the issue he has that if the area of law enforcement is discussed as an isolated situation then the term collaborative, which is also inside the language that we talk about, opens the door to other kinds of services and programs and he is confused about whether you are talking about law enforcement or whether talking about the idea of collaboratives and how mental

health services are going to be provided. Since we are only talking about law enforcement today, does this mean that we will have this same conversation about each partner of any other kind of collaborative. Chair Steinberg said depending on the importance of the collaborative, this may be the case.

Commissioner Poat said the key is that a professional is needed on-site to indicate what is happening. No one in law enforcement is broadly looking to put a lot of uniform people out in the community with mental health money. Progress is being made, but we are still at the point of how to determine whether you have a false alarm or not, and this is where a mental health professional has to make the evaluation. The ten principles are moving the Commission to recognize that role and this absolutely has to be a collaborative process,

Chair Steinberg said there will not be a formal vote on the principles today, but it is important to get comments from the Commissioners on the specifics of these principles because before the end of the month the CSS Committee will be reviewing plans which may have some implications on some of these issues.

Ms. Sasaki-Madigan said there were some questions yesterday from the Commissioners regarding funding share and cost share for PERT teams in the counties. She said she can only speak for San Diego County. There are 17 clinicians within the entire San Diego County that provide PERT emergency crisis services to 18 law enforcement agencies in San Diego County. There's not enough clinicians to cover a 24 hour period for all the law enforcement agencies. Some of the clinicians are funded through HHSA, partially within the county, and there are other grants and sources of funding that help cover the clinicians. The law enforcement agencies decided to incorporate PERT so PERT is actually a company that contracts to law enforcement. The law enforcement officers are paid for by the agency itself, however in some cases, there are officers who are specifically hired with a degree in counseling psychology that work with special programs where 99 percent of their job is facilitation of groups for anger management, parenting, domestic violence, intervention with the families. They are also on call to work with the child and family and the majority of their services are counseling services.

Ms. Sasaki-Madigan said if the Commission wants to look at funding any portion of a crisis team she suggested the model that is in San Diego because it is formed of a collaboration between the community, consumers, their families, and an Advisory Board who makes sure that things are still on track.

Chair Steinberg said he wants a report on who funds the law enforcement portion of the PERT MET outreach teams. He queried each of the Commissioners for comments on the ten principles. The comments are as follows:

Commissioner Feldman said he will submit his in writing.

V. Commission Business

Election of Chair and Vice-Chair – Commissioner Chesbro moved to re-elect the current Chair and Vice Chair for another year; seconded and motion carried unanimously.

Brief Updates (State Housing Bonds) – Dr. Mayberg said the concept of using monies from Prop 63 to support a housing initiative has taken up traction and he has been meeting with Administration. There are two threshold issues: (1) is this something that counties want and see a need for and we would work with CSAC; (2) the legal issues of whether or not this is allowable

in the initiative. There continues to be a considerable amount of interest in the county communities to do something like this and that housing is a critical issue. There is a commitment for the Department to work with CSAC but there are some legal issues that need to be resolved.

Commissioner Feldman said there is support for this concept and he would be interested in trying to better understand what would be the most formidable barriers that might delay this, and secondly, to what extent can Commissioners either individually or collectively be helpful in terms of overcoming some of the barriers. Dr. Mayberg said the most formidable issue is that if you bond do you bump up against the constitutional debt limit and would we have to go back to a vote of the people. The other issue is if you set aside money for a period of years, how you make sure that the distribution of that money is equitable.

Chair Steinberg said that he is working daily on the Commissions behalf in support of this concept, and asked that the Commissioners be patient.

Commissioner Diaz asked how the bond would affect the counties that have funding already designated for housing. Dr. Mayberg said he is not sure that counties that have designated money for housing are doing it in the same way; leveraging funds. Much of the money is set aside for rent subsidies. Some money is for purchase but not a lot so it wouldn't affect them at all. Chair Steinberg noted that when the leveraging is added there are billions of dollars which means big impacts and thousands of units.

Commissioner Chesbro said it is notable that not only the Administration but the Mental Health Director as well has begun to surface this and answer the questions of what they are doing about housing. He said Chair Steinberg has pushed this issue hard and because of this it has been elevated.

Commissioner Henning said his position not only on this Commission, but also with the Laborer's Union have been very supportive of the actions of Chair Steinberg in helping move some of this money to increase the amount of money that is going to be used for its infrastructure. He does not however, believe this money should be moved without commission and the prevailing wage should not be evaded. Chair Steinberg said his goal in the short term is to continue to work with Dr. Mayberg and the Administration to have us all stand with the Governor and have him announce this is something the State of California will do, and then we'll begin the work of implementing.

Commissioner Prettyman said there was a group of family members that built apartment buildings for persons with psychiatric disabilities, but she they can't do it again because of the paperwork that was involved in the AB and people don't know how to do the paperwork, how to follow through and there are family members out there that would be very interested in working collaboratively but it is almost impossible to get to the money and she hopes everyone remembers that when it is established. She suggested that a family member be there to explain what they need to complete the paperwork.

Richard Van Horn said the Mental Health Association of Los Angeles has already set up and capitalized a housing corporation to move ahead on what the Commission makes happen next.

Commissioner Feldman asked about the alternative of having to go back to the voters to get some of this done and are there other alternatives that might not necessarily require this. Dr. Mayberg said there is a series of alternatives, such as, having part that rolled into an infrastructure bond so it wouldn't be stand alone; there is validation where you go to the Courts to rule whether it is

legal without going to the voters, or the pay as you go model where the money is accumulated to get a pool and you know there is a commitment to keep filling the pool and then draw down from that.

Measurement and Outcomes Committee – Commissioner Jaeger said based in part, that most of the direct work of outcomes is going to be done by the Department of Mental Health. They have a large advisory committee called the Performance Measurement Advisory Committee (PMAC). He said he does not believe that this Commission will be doing a lot of ongoing direct measurement of outcomes on an ongoing basis for basic programs, but will need to work with the Performance Measurement Advisory Committee. His recommendation is that the Commission consider the PMAC to be the advisory committee of this Commission and that we put together a smaller more technically adept advisory board to assist each of the committees of this Commission. Committee members should include people who have skills in outcomes measurement and assessment in adults and children, and in cultural and linguistic issues. He has several resumes from the community which will be reviewed for potential seats on this committee if the committee structure is approved by the Commission.

Commissioner Feldman said it is not clear to him as to who is vested the ultimate responsibility to conduct evaluation studies of the effects of Prop 63. If it is the Department of Mental Health's responsibility then he's not certain that a department who has a vested interest in this program would be an appropriate entity to evaluate its efficacy and effectiveness. He said to make sure that the evaluation is fair and appropriate, it seems to him that the body that does the evaluation studies should be an external body with no vested interest. He also stated that it is not clear to him what the criteria should be to determine success or failure or effectiveness of the program.

Commissioner Jaeger said there will be certain basic evaluations, such as the measurement of the full service partnerships that will be done through the Department of Mental Health. He believes that this Commission will be requiring specific outcomes around innovation and some of the prevention ideas that will not be the purview of the Department of Mental Health, and around those the Commission will have to take the responsibility. So there will be some places where the Commission must take the primary responsibility and it is his belief that there will be the expertise with the broad spectrum and you can bring a consultant in on a specific issue when it is approved by the Commission.

Chair Steinberg recommended to adopt Commissioner Jaeger's proposal today, but he thinks that this should come back as a fully agendaized item in which there is a broad discussion about the timelines, and the levels of outcomes.

Commissioner Henning moved to approve Commissioner Feldman's proposal; seconded by Commissioner Henry. Motion carried unanimously.

Decision: Commission Voting Threshold – Ms. Clancy said the proposal is that votes that would be required to pass any policies and guidelines related to the MHSA both prevention and innovation programs, would require nine votes when we are at a Commission of 16, and a majority of votes if we have a Commission number that is smaller than 16. AOC policies that have brought impact on interpretation of MHSA would require a majority vote. Routine business matters would require the majority of the quorum or five votes with a Commission of 16.

Commissioner Lee moved approval of the proposal; seconded by Commissioner Henry. Motion carried unanimously.

VI. County Community Services and Support Plans

Ms. Wynne said 41 plans have been received by the Department of Mental Health and the Committee has reviewed 22 of the plans, and it has prepared comments on 11 of the counties. There are 16 people on the Committee, and she tries to get a team of 4 members of the Committee to review every plan as well as a diverse cross-section of Committee members on every plan.

Aaron Carruthers and Rosie Lamb, from the Attorney General's office were introduced. Mr. Carruthers reviewed the research project noting that upon review it has become apparent that we don't have all the tools we need to review the plans. He proposed a research project that includes the Commissioners comments. Basically this is a standing snapshot research project and it is significant for the Commission because they will benefit from this information, and it is important to understand that these plans are being reviewed, approved to fund without context. Rosie Lamb has taken over the research project and she is collecting the data and then will find out what needs to be done from independent research.

Commissioner Diaz said she is quite concerned about the non supplication issue and she feels all the Committees need to be alert and the research is important.

Commissioner Doyle said this is an evolving process and he sees a threefold process; one, is to identify those components that warrant oversight and the county's annual updates. Second, is a group of comments needs to provide guidance to DMH and the county regarding questions that should be addressed in the implementation of a particular program. Thirdly, we want to be able to inform Dr. Mayberg and the Department about problems that are such a magnitude that they need to be resolved prior to the approval of a county's plan. He said he wants to promote integration of services and collaboration among public and private agencies.

Rose King said another question that has emerged from reading the plans is that the system is well known for devoting services to people only when their illness has reached a severe stage. In reviewing the plans it is not evident that there is a focus on moving from a help first versus fail first culture. Also evident in the plans is that the Department asked the counties to report on the numbers of people who are fully served and how many are underserved or inappropriately served and they are coming back with 0 to 4 percent are fully served. There needs to be a strategy of how to change these numbers.

Ms. Clancy said if we are moving toward a system of transformation we need to be looking at training and wellness recovering resiliency in a uniform way. Right now it is county by county. And the same thing applies to the education and anti-stigma campaigns. She encouraged everyone to read a plan.

Commissioner Feldman said what is missing at the Commission level is some kind of coordinating mechanism. He said he would hope that Ms. Clancy will give some attention to the development of some process within the Commission so it can coordinate the work of each of the subcommittees.

Commissioner Jaeger said he hopes we are approaching this in the spirit of continuous improvement, which means we will never be satisfied because we are always trying to make it better and better and never assume that we have gotten there.

Commissioner Prettyman asked if access to service and transportation is being seen in the county plans and is there any particular proposal that is really good. Ms. Clancy said almost every

county identifies this as a community need and some counties are buying vans, some are trying to locate the wellness centers in their population centers, so they are aware of it and paying attention to the need to address transportation issues but there isn't a formula because the counties are so diverse.

Commissioner Gayle said he was taken back by the fact that we hadn't thought about what the counties were doing before they submitted the plan, so in essence we don't know just how transformative they are, and the fact that we didn't think to ask what they were doing prior to the submittal of the plan to be able to see the differences and what they are trying to do as opposed to what they are already doing is too bad. He hopes that next year we can learn from this.

It was brought up that it is important to be thinking about what the benchmarks are that should be looked at today with certain benchmark items to be measured over the next 5 years so we can see if we are getting closer.

Commissioner Prettyman said historically people with mental illness do not get needed service until their illness is severe and one of the reasons for this is medical necessity and the criteria that has to be met to get into services. She questions medical necessity and the criteria that we have to get into services.

Dr. Mayberg said he continues to find two kinds of plans; those that get it and those that don't. Those that get it seem to understand what the concepts of transformation are and community and stakeholder involvement are, and those that don't tend to be doing business as usual. He is eager to identify those high performing plans, but it is going slow. There are 41 plans but only 3 have been approved. The three that have been funded are Stanislaus, Los Angeles, and Placer.

VII. Long Term Funding of MHSA

Mr. Steve Sims, Communications Policy Manager, from the State Franchise Tax Board provided a presentation showing a brief history and volatility of the revenue from taxpayers that have income over one million dollars. Mr. Jay Chamberlain reviewed the charts and reiterated that this is a volatile revenue source.

Chair Steinberg said he often heard that the Franchise Tax Board estimated that the average growth of the fund over time given the fact that there will be more people making over a million dollars that the expected growth rate is seven and a half percent. He said he wants to understand whether or not we will be hurt by the fact that it may go way down given the fact that we didn't index. Mr. Chamberlain said the lack of indexing will actually help on the downside.

The question was asked if there was \$500 million a year in the income and we drop 47 percent below our base are we talking about having sequestered a year's income and how big does a reserve need to be built to in order to make us recession proof.

Mr. Chamberlain said the way the funding mechanism works is that every month the amount of cash that comes in is looked at and a fixed percent of that gets transferred to the Mental Health Services Fund (1.76%). Over the first six months of '05 \$170 million dollars was transferred in to the Mental Health Services Fund and then the final six months of 2005-06 \$385 million were transferred in and in January there is an additional \$137 million transferred in. There is an adjustment mechanism that looks at the amount of money that actually came in after the fact and then makes an adjustment, and in July there will be a transfer of \$84 million into the fund.

Chair Steinberg said if the Commission is going to advise the Department on a reasonable reserve then it needs to know, or at least get the best estimates from the State's economist as to whether or not this fund is going to grow from \$700 million a year to something larger or not. It was stated that the initiative talks about taking a percentage of money of all the revenues that come in, so there is a target for 2005-2006. At the end of the three year period there has to be a settling up in looking at how much of that money came from the millionaires. So there is volatility right now because we don't know until it is audited. This is just how much money is collected, not how much comes from millionaires and you won't know for three years after the fact what you had in the current year.

Historically, if you look at people who make one million dollars or more, it is far less than the year 2000. So if we took 2000 and projected it into the future this would not be a sustainable assumption. Mr. Chamberlain said the expectation of the 7 ½ percent is the expected, but in any one year it could be significantly different.

Mr. Sims concluded the presentation. Commissioner Steinberg said the Commission may need him to come back because they may want the next level analysis which shows actual projections.

Dr. Mayberg spoke about prudent reserve and stated it is a volatile revenue source. The issue of disasters have a huge impact. It is assumed that the revenues go up 7 percent, but you also have to realize that the programs that you are funding are not going to stay level in terms of dollars and then need to have a stationary amount. In looking at the worst case scenario and then averaging it he figured half of the services support monies were needed as prudent reserve assuming 25 percent a year would be used. He is looking at the end of the year to see what is unencumbered and that will become part of the prudent reserve.

Mr. Sims said he presented the prudent reserve issue to his legal staff and they said that Section 5892B of the Welfare and Institution Code establishes a hard ceiling for reserves of 20 percent of the average amount of funds allocated to that county for the previous five years. It appears this code does have a maximum on which the Commission can establish a reserve.

Chair Steinberg said the good news said if the 7 ½ percent figure is accurate on average over time we will have the ability to expand services and resources. He asked if regular quarterly reports could be provided to the Commission on the financial status of the fund and how much is in reserve. Chair Steinberg said this is a continuing education for all the Commissioners and asked if the Department could sit down with individual Commissioners to talk through the numbers.

The meeting was adjourned.